

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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May 4, 2004

FROM: Patrick J. Mead, Interim Director
Department of Public Works - **Transportation**

**SUBJECT: CEQA EXEMPTION FOR VACATION OF EXCESS ROAD RIGHT-OF-WAY ON
PHELAN ROAD OUTER HIGHWAY SOUTH IN THE PHELAN AREA**

RECOMMENDATION: (1) Find the vacation of excess road right-of-way on Phelan Road Outer Highway South in the Phelan area is an exempt project under California Environmental Quality Act (CEQA) Class 5, Section 15305(a) and direct the Clerk of the Board to post the Notice of Exemption; (2) Adopt Resolution to vacate the excess road right-of-way on Phelan Road Outer Highway South; and (3) Direct the Clerk of the Board to forward a copy of the resolution to the County Recorder.

BACKGROUND INFORMATION: This vacation was requested by the Law Offices of Phillip T. Vondra as representative for the affected property owner being PPB, a California Limited Liability Corporation (LLC). PPB, LLC, owns Lot 32 of Tract No. 5790, "Thunderbird Terrace", Map Book 73, page 4 (Assessor's Parcel No. 3066-211-32). There are four additional affected parcels. The first is owned by the Julia J. Skowron Trust (Lot 1, Assessor's Parcel No. 3066-211-01); the second by Edison J. and Cheng S. Chang (Lot 16, Assessor's Parcel No. 3066-211-16); the third by the Frances E. Cochrane Trust (Lot 17, Assessor's Parcel No. 3066-211-17); and the fourth by Yong Jin Kim (Lot 33, Assessor's Parcel No. 3066-221-01). The Skowron Trust and the Chang's have responded favorably in writing to the applicant's request; the Cochrane Trust did not respond and the certified letters mailed to the trust were returned unclaimed; and Kim did not respond and the certified letters mailed to him were received but no reply was made.

The purpose of the applicant's request is due to their desire to develop their parcel unhindered by the currently required building setback line (BSL). The current BSL is measured from the southerly road right-of-way line of Phelan Road Outer Highway South, 50 feet wide, together with the southerly one-half of Phelan Road, 50 feet wide half-width, for a total of 100 feet wide. If the vacation request is approved as requested then the BSL would be measured from the southerly road right-of-way line of Phelan Road at 60 feet wide half-width, being the existing 50 feet half-width Phelan Road plus the northerly 10 feet of the existing 50 feet wide Phelan Road Outer Highway South. This will allow the applicant and the other affected property owners to utilize an additional 40 feet for development purposes.

The general public as a whole does not utilize Phelan Road Outer Highway South due to Phelan Road being more easily accessible. In addition, when Tract No. 5790 was approved, circa 1958, it and other like tracts were conditioned to dedicate an outer highway as normal procedure in the local Phelan and Victorville areas. Since that time, outer highways are no longer required or desired due to safety concerns they created at the intersecting streets.

Record of Action of the Board of Supervisors

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Also, if the vacation is approved as requested, the currently existing Non Vehicular Access (NVA) line will be relocated. Current road right-of-way for Phelan Road is 50 feet wide, half-width, and Phelan Road Outer Highway South is 50 feet wide total. The existing NVA is located along the line that separates the two road rights-of-way. Present vehicular access rights to all the affected parcels is from Phelan Road Outer Highway South; no direct access is currently allowed from Phelan Road Outer Highway South onto Phelan Road. The existing NVA line will be relocated 10 feet south of its present location to be along the northerly line of the proposed area to be vacated. The end result will be that Phelan Road right-of-way will be 60 feet wide half-width, along the front of all the affected parcels. Vehicular access rights to Lot 1 will be via Lebec Road, to Lots 32 and 33 via Malpaso Road, and to Lots 16 and 17 via an access opening 60 feet in width along the north line of said lots centered on the common lot line thereof.

The portion of Phelan Road Outer Highway South requested to be vacated is maintained by the County, is 40 feet in width and approximately 1650 feet in length. A utility reservation is necessary and therefore included for in place public utility facilities. The area to be vacated is shown in yellow on a plat on file with the Clerk of the Board. As a summary vacation, pursuant to Section 8334, et seq, of the Streets and Highways Code, no posting, advertising or separate public hearing is necessary. This vacation qualifies for a CEQA exemption because there will be only minor lot line adjustments and set back variances that won't result in the creation of any new parcels.

REVIEW AND APPROVAL BY OTHERS: The Highway Planning Technical Committee reviewed this request on July 31, 2002 and recommended approval. This item was reviewed by Deputy County Counsel Charles S. Scolastico (387-5481) on March 29, 2004, and by the County Administrative Office (Tom Forster, Administrative Analyst, 387-4635) on April 25, 2004.

FINANCIAL IMPACT: There will be no financial impact to the Department other than minimal administrative costs to adjust various records and file documents.

SUPERVISORIAL DISTRICT(S): 1st

PRESENTER: Patrick J. Mead, 387-7906

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